

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:12-CV-061-MOC-DCK**

PAUL FRIZZELL)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
STATE OF NORTH CAROLINA,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Amended Motion To Consolidate" (Document No. 6) filed February 8, 2012. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion.

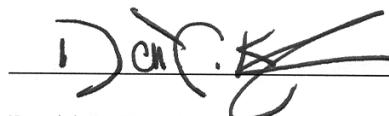
Pro se Plaintiff Paul Frizzell ("Plaintiff") filed a "Complaint" (Document No. 1), a "Motion To Proceed Informa Pauperis" (Document No. 2), and a "Motion To Consolidate" (Document No. 3) on February 2, 2012. On February 3, 2012, the Honorable Max O. Cogburn, Jr. issued an "Order" (Document No. 4) conditionally granting Plaintiff's motion to proceed without prepayment of fees, but dismissing the action as frivolous pursuant to 28 U.S.C. § 1951(e)(2), for failure to allege a cognizable claim. Also on February 3, 2012, the Clerk of Court entered "Judgment In A Civil Case" (Document No. 5) and closed this case.

Plaintiff's instant motion fails to articulate sufficient cause for re-opening this matter. Moreover, the instant motion appears to state the same cause of action and request for relief the Court has already considered and dismissed. See (Document No. 4) ("A federal district court has

no jurisdiction over matters pending before state courts and the State of North Carolina is not amenable to suit under either Section 1983 or Section 1985.”).

IT IS, THEREFORE, ORDERED that Plaintiff’s “Amended Motion To Consolidate” (Document No. 6) is **DENIED**.

Signed: February 10, 2012



David C. Keesler
United States Magistrate Judge 